



# **FREDERICK COUNTY PLANNING COMMISSION**

## **September 8, 2021**

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**TITLE:** Lot 96 - Lewistown

**FILE NUMBER:** SP15-07, AP-SP257672 (APFO-A257671, FRO-F257673)

**REQUEST:** Site Development Plan Approval

The Applicant is requesting Site Plan approval to establish a "carpentry, electrical, plumbing, welding, printing, and upholstery" use.

### **PROJECT INFORMATION:**

LOCATION: S/S of Fish Hatchery Road  
TAX MAP/PARCEL: Tax Map 40, Parcel 375  
COMP. PLAN: General Commercial (GC)  
ZONING: General Commercial (GC)  
PLANNING REGION: Frederick  
WATER/SEWER: Water -No Planned Service/Sewer S-4

### **APPLICANT/REPRESENTATIVES:**

APPLICANT: J. Tyler Quynn  
OWNER: - same -  
ENGINEER: Piedmont Design Group, LLC  
ARCHITECT: N/A  
ATTORNEY: N/A

**STAFF:** Cody Shaw, Principal Planner I

### **RECOMMENDATION:**

Conditional Approval

### **ATTACHMENTS:**

Exhibit 1 – Rendered Site Plan  
Exhibit 2 – FEMA eLOMA Map Exhibit  
Exhibit 3 – eLOMA Approval

# STAFF REPORT

## **ISSUE**

### Development Request

The Applicant is requesting Site Plan approval to legally establish a glass installation business on a 2.01-acre parcel. The Project is subject to the requirements of the Frederick County Code, specifically Sections 1-19-3.300 through 1-19-3.300.4 for Site Development Plan Review. The request is being reviewed under the use “carpentry, electrical, plumbing, welding, printing, upholstery” per §1-19-5.310 Use Table in the Zoning Ordinance.

The Site is zoned ‘General Commercial’ and the proposed use is being reviewed under §1-19-7.510 of the Zoning Ordinance.

**Figure 1 – Site View**



## **BACKGROUND**

### **Development History**

The subject property is located in the General Commercial District. Over the years the Site has had several businesses that have operated without necessary approvals. The proposed glass installation business is located inside the existing 1,609 sq. ft. metal building. This application that is proposed is to legally establish a use for the building.

### **Existing Site Characteristics**

The 2.01-acre Site is located on the south side of Fish Hatchery Road. The subject Site is currently improved with the building where the proposed business will be located.

**Figure 2 – Site Aerial – Existing Conditions**

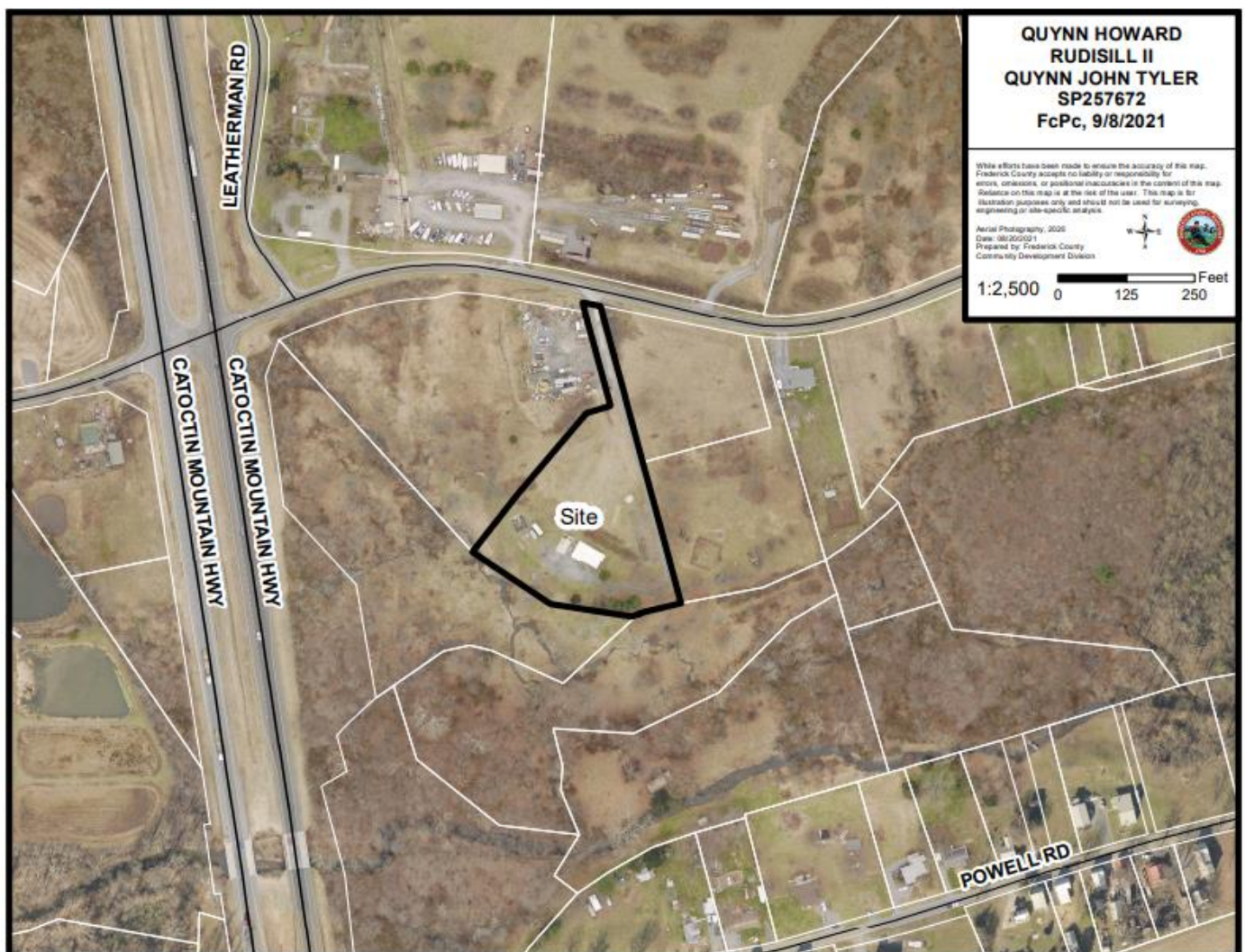
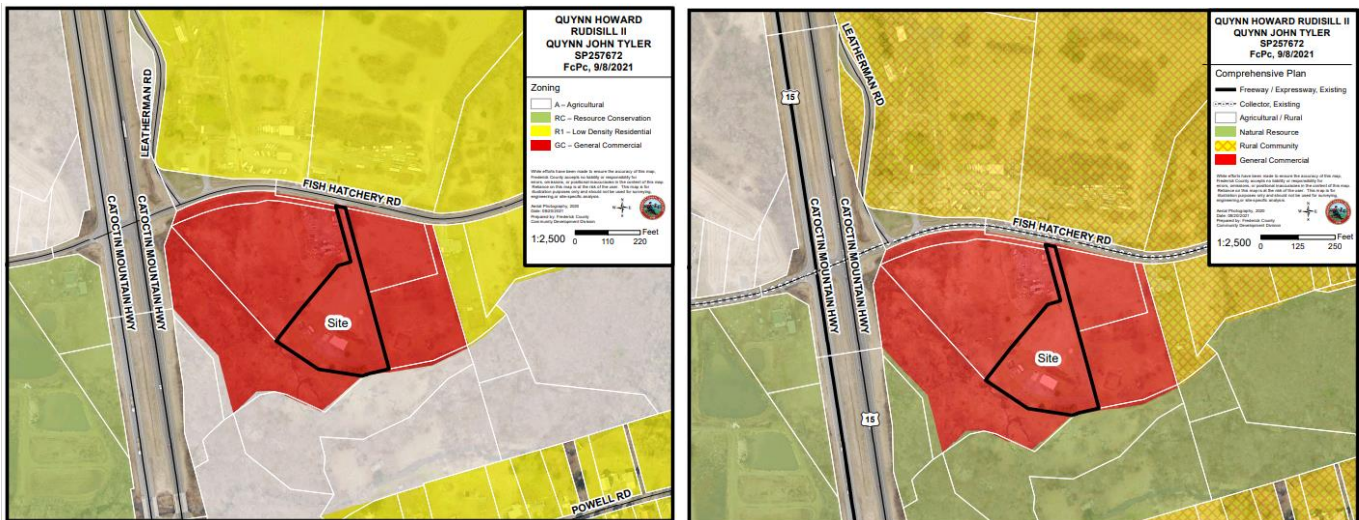




Figure 3 – Zoning / Comprehensive Plan



## ANALYSIS

### Summary of Development Standards Findings

The primary issues associated with this development are:

- Adequacy of the Site Plan in providing convenient and safe ingress/egress to the Site.
- Demonstrating compliance with site design standards.

### Modification Requests:

- No modifications have been requested.

### Detailed Analysis of Findings and Conclusions

Site Plan Approval shall be granted based upon the criteria found in:

**Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

### Findings/Conclusions

#### Dimensional Requirements/Bulk Standards §1-19-6.100:

1. Per §1-19-6.100, setbacks require a minimum of 25 front yard, 8 side yard, 25 rear yard. The proposed setbacks include the following; 240-foot front yard, 104-foot side yard to adjacent property line, 49-foot rear yard.
2. **Signage §1-19-6.300:** No signage is proposed.
3. **Landscaping §1-19-6.400:** The landscaping shown on this plan contains a variety of plant species, which provide screening for the glass installation business. The plan proposes a mix of

evergreen and deciduous trees, and meets the predominately native species requirement. Parking lot canopy coverage exceeds the 20% required.

Due to the Site only having 33.5 feet of public road frontage via a panhandle (which serves as the access to the Site), a street tree is not required. The ordinance requires one street tree for every 35 feet of public street frontage. With the Site having less than 35 feet of public street frontage, a modification for not providing a street tree is not required.

4. **Lighting §1-19-6.500:** The Site has one existing 14' tall light pole. The existing pole meets Zoning Ordinance standards and no new lighting is proposed.

**Transportation and Parking §1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** One 30' wide entrance is proposed off of Fish Hatchery Road. The site is a panhandle lot and access to the site is facilitated via the panhandle.
2. **Loading:** Loading and unloading is facilitated by a small loading space (9' x 20') on the west side of the building.
3. **Public Transit:** There is no local bus service for this Site.
4. **Parking:** Pursuant to Section 1-19-6.220 of the Zoning Ordinance for a "business or commercial use in a commercial district," 1 parking space is required per 300 sq ft of floor area. This equates to 6 parking spaces required ( $1,609 / 300 = 5.4$ ). The Site Plan proposes 6 parking spaces, which includes one (1) handicap space.
5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** A gravel parking lot is adjacent to the building.
6. **Bicycle Parking §1-19-6.220 (H):** No bicycle parking is required or proposed.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

### **Findings/Conclusions**

1. **Public Water and Sewer:** The Site is not served by public water (served by well) and is served by sewer (onsite grinder pump and extension to Lewistown WWTP) and is currently classified as Water - No Planned Service and Sewer – S4 in the Frederick County Water and Sewerage Plan.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the*

*greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

### **Findings/Conclusions**

- 1. Topography:** The Site is relatively flat.
- 2. Vegetation:** The Site is comprised of varying trees located onsite as well as having Forest Conservation areas located on the south west portion of the property.
- 3. Sensitive Resources:** There are no intermittent streams, wetlands, or steep slopes located on the Site. Floodplain and flooding soils are located on the south/southwest portion of the Site. An eLOMA was applied for and approved for this Site removing portions of the 100-year floodplain that were originally located on the property. A copy of this eLOMA and a map of the FEMA eLOMA exhibit are shown in Exhibit 2 and 3 of this report. The site plan must be amended to show the new FEMA floodplain limits and remove the note about removing the portion of gravel that is within the old FEMA boundary.
- 4. Natural Hazards:** There are no natural hazards located on site that affect the development proposal.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

### **Findings/Conclusions**

No common areas are required or proposed.

### **Other Applicable Regulations**

#### ***Adequate Public Facilities Ordinance (APFO) – Chapter 1-20***

**Road Improvements:** This development generates less than 6 trips during the peak hour of the adjacent street and is therefore exempt from APFO testing and contribution to existing area road escrow accounts. (§1-20-12(H)). The proposed Site development was assessed as a specialty contractor (ITE 180) in terms of peak hour trip generation.

**Schools:** The Project is non-residential and not subject to schools testing.

**Water and Sewer Improvements:** The Property is on well, and sewer service is provided by an onsite grinder pump and extension and discharged to the Lewistown WWTP. Per the "Amendment to the Lewistown Mills Sewer Service Agreement" signed in August 2020, all four properties owned by Mr. Quynn will have five sewer taps. It is up to the owner to distribute five (5) taps among those four properties.

## **Forest Resource Ordinance (FRO) – Chapter 1-21**

The Applicant has submitted a Preliminary Forest Conservation Plan. The plan outlines the forest conservation mitigation requirements for the proposed activity. The limit of disturbance contains no existing forest. FRO mitigation will be provided by planting 0.28 acres of forest under FRO easement. No specimen trees (trees 30" or greater in diameter) are present on site.

### **Conditions of Approval**

A Final Forest Conservation Plan must be submitted and FRO mitigation (easement recordation) must be provided prior to applying for grading permits or building permits, whichever is applied for first.

## **Historic Preservation – Chapter 1-23**

This property does not have a historic designation.

### **Findings/Conclusions**

Based upon the review and analysis as provided above, Staff finds that the proposed application meets or will meet the Site Plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas. Staff will continue to work with the Applicant as the project moves through the remainder of the development process to address all outstanding items as discussed in this Staff Report.

### **Summary of Agency Comments**

<b>Other Agency or Ordinance Requirements</b>	<b>Comments</b>
<b>Public Works Department:</b>	Approved
<b>Development Review Planning:</b>	Approved
<b>DUSWME:</b>	Approved
<b>Forest Resource (FRO):</b>	Approved
<b>Health Dept.:</b>	Approved
<b>Office of Life Safety:</b>	Approved
<b>Street Naming:</b>	Approved
<b>DPDR Traffic Engineering:</b>	Approved
<b>APFO Review:</b>	Approved

## **FINDINGS**

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once the conditions of approval have been met.

## **RECOMMENDATION**

Staff has no objection to conditional approval of the Site Plan for Lot 96 Lewistown. If the Planning Commission conditionally approves the Site Plan, it is valid for a period of three (3) years from the date of Planning Commission approval (valid through September 8, 2024).

Based upon the findings and conclusions as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following conditions met:

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. A Final Forest Conservation Plan must be submitted and FRO mitigation (easement recordation) must be provided prior to applying for grading permits or building permits, whichever is applied for first.
3. The site plan must be amended to show the new FEMA floodplain limits and remove the note about removing the portion of gravel that is within the old FEMA boundary.

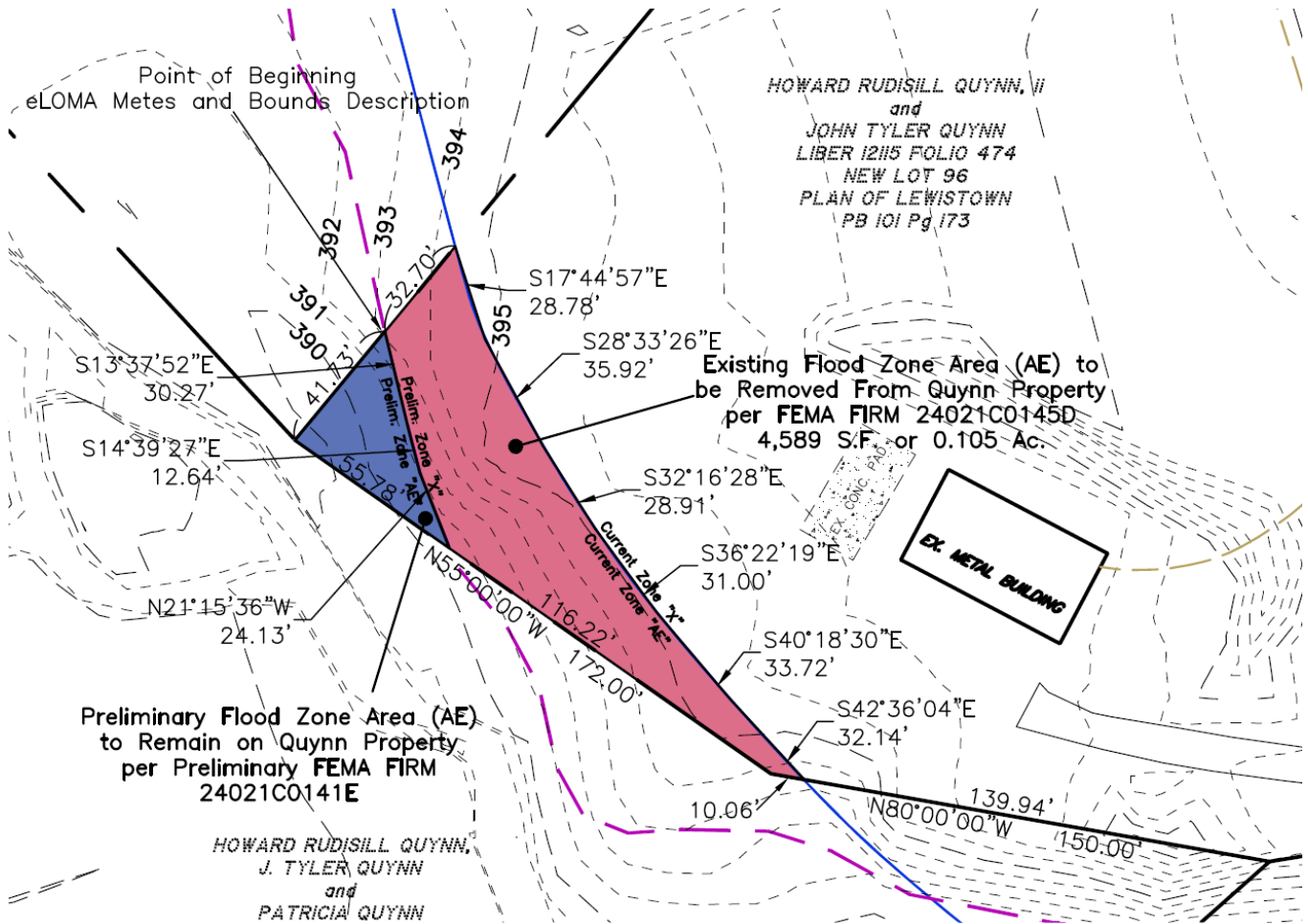
## **PLANNING COMMISSION ACTION**

I move that the Planning Commission **APPROVE** the **Site Plan (SP15-07, AP SP257672), including FRO (F257673) with conditions** as listed in the staff report for the proposed **Lot 96 Lewistown**, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



## September 8, 2021

Exhibit 2 – FEMA eLOMA Map





**Federal Emergency Management Agency**  
Washington, D.C. 20472

MR. J.T. LEBHERZ  
TERRA SOLUTIONS ENGINEERING,  
LLC  
5216 CHAIRMAN'S COURT, UNIT 105  
FREDERICK, MD 21703

**CASE NO.: 21-03-1155A**  
COMMUNITY: FREDERICK COUNTY,  
MARYLAND  
(UNINCORPORATED AREAS)  
COMMUNITY NO.: 240027

DEAR MR. LEBHERZ:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis V. Rodriguez", is placed above the typed name.

Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration


**LIST OF ENCLOSURES:**

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator  
Community Map Repository  
Region



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## Federal Emergency Management Agency

Washington, D.C. 20472

### LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
<b>COMMUNITY</b>	<b>FREDERICK COUNTY, MARYLAND</b> (Unincorporated Areas)	A portion of Lot 96, as shown on the Plat recorded in Book 101, Page 173, in the Office of the Clerk of Circuit Court, Frederick County, Maryland  The portion of property is more particularly described by the following metes and bounds:
	<b>COMMUNITY NO: 240027</b>	
<b>AFFECTED MAP PANEL</b>	<b>NUMBER: 24021C0145D</b>  <b>DATE: 9/19/2007</b>	Beginning at a point at a distance of 41.73' from the southwest corner of the westerly or North 39°36'32" East, 308.85' plat line for "New Lot 96" as shown on a plat recorded in Plat Book
<b>FLOODING SOURCE: FISHING CREEK</b>		<b>APPROXIMATE LATITUDE &amp; LONGITUDE OF PROPERTY: 38.535725, -77.421604</b> <b>SOURCE OF LAT &amp; LONG: COMMUNITY GIS DATUM: NAD 83</b>

#### DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
96	--	Plan of Lewistown	7101 Fish Hatchery Road	Portion of Property	X (unshaded)	--	--	393.0 feet


**Special Flood Hazard Area (SFHA)** - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

**ADDITIONAL CONSIDERATIONS** (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

**LEGAL PROPERTY DESCRIPTION**  
 PORTIONS REMAIN IN THE SFHA/FLOODWAY  
 eLOMA DETERMINATION

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. If there are any errors on this eLOMA Determination Letter that cause FEMA to rescind and/or nullify the determination the property owner should consult the Licensed Professional that submitted this eLOMA. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, 3601 Eisenhower Avenue, Alexandria, VA 22304-4605, Fax: 703-751-7415.

  
 Luis V. Rodriguez, P.E., Director  
 Engineering and Modeling Division  
 Federal Insurance and Mitigation Administration

eLOMA



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

### LEGAL PROPERTY DESCRIPTION (CONTINUED)

101 at Page 173 among the Land Records of Frederick County, MD; thence running partially with said westerly plat line the following course and distance: 1) North 39°36'32" East, 32.70' to point; thence departing said westerly plat line and running across a portion of "New Lot 96" and running with the current extent of the FEMA "AE" Flood Zone line the following six (6) bearings and distances: 2) South 17°44'57" East, 28.78' to a point; thence 3) South 28°33'26" East, 35.92' to a point; thence 4) South 32°16'28" East, 28.91' to a point; thence 5) South 36°22'19" East, 31.00' to a point; thence 6) South 40°18'30" East, 33.72' to a point; thence 7) South 42°36'04" East, 32.14' to point on the southerly or North 80°00'00" West, 150.00' plat line as shown on the aforesaid plat (P.B. 101 P. 173), said point being distant 10.06 feet from the westerly end thereof; thence running with said plat line the following course and distance: 8) North 80°00'00" West, 10.06' to a point at the end of said plat line; thence running with a portion of the southwesterly or North 55°00'00" West, 172.00' plat line as shown on the aforesaid plat the following course and distance: 9) North 55°00'00" West, 116.22' to a point; thence departing said plat line and running across a portion of the aforesaid "New Lot 96" the following three (3) courses and distances: 10) North 21°15'36" West, 24.13' to a point; thence 11) North 14°39'27" West, 12.64' to a point; thence 12) North 13°37'52" West, 30.27' to the place of beginning

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA-MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415

Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration

eLOMA





## Federal Emergency Management Agency

Washington, D.C. 20472

### LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

#### ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

#### Portion of Property Removal:

The following considerations may or may not apply to the determination for your Portion of Property:

**PORTIONS OF THE PROPERTY REMAIN IN THE SFHA and/or FLOODWAY** - Portions of this property, but not the subject of the Determination document, may remain in the Special Flood Hazard Area (SFHA) and/or the regulatory floodway for the flooding source indicated on the Determination Document. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <https://www.fema.gov/regional-contact-information>



**STUDY UNDERWAY** - This determination is based on the flood data presently available. However, the Federal Emergency Management Agency may be currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. If a new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

**EXTRATERRITORIAL JURISDICTION** - The subject of the determination is shown on the National Flood Insurance Program map and may be located in an Extraterritorial Jurisdiction area for the community indicated on the Determination Document.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415

Luis V. Rodriguez, P.E., Director  
Engineering and Modeling Division  
Federal Insurance and Mitigation Administration

eLOMA

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 <div style="text-align: center;"> <b>Federal Emergency Management Agency</b>          Washington, D.C. 20472       </div>			
<b>LETTER OF MAP AMENDMENT          DETERMINATION DOCUMENT (REMOVAL)</b> ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)			
<p><b>GREAT LAKES</b> - The Federal Emergency Management Agency (FEMA) has based this determination on elevation data which is published in the current Flood Insurance Study for the community. However, the elevations established in the U.S. Army Corps of Engineers (USACE) reports on the Great Lakes are the best available data known to us. If in the future there are any subsequent map revisions to the National Flood Insurance Program map and the USACE reports remain the best available data known, FEMA will use those elevations for any such revisions. Further, be advised that the elevations on the Flood Insurance Rate Map (FIRM) may only reflect the Stillwater elevation for the lake and may not account for the effects of wind driven waves or wave run-up. On-site conditions such as wind speed, wind direction, fetch distance, water depth and the slope of the beach or bluff may result in significant increases to the base flood elevation. Therefore, it is strongly recommended that the requestor be aware of these circumstances and, if warranted, evaluate the effects of wind driven waves along the shoreline of the property.</p> <p><b>STATE AND LOCAL CONSIDERATIONS</b> - Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.</p> <p><b>COASTAL BARRIER RESOURCE SYSTEM</b> - Based upon information provided to FEMA by the U.S. Fish and Wildlife Service (USFWS), the subject property may be within a System Unit or an Otherwise Protected Area (OPA) of the John H. Chafee Coastal Barrier Resource System (CBRS). Federal flood insurance is generally not available within the CBRS for new construction or substantial improvements occurring after the flood insurance prohibition date (which is generally tied to the date that the area was first established as either a System Unit or OPA, but may differ in some cases). Other federal expenditures and financial assistance (including certain types of disaster assistance) are also restricted within System Units of the CBRS. The USFWS is the authoritative source for information regarding the CBRS. Additional information, including the CBRS Mapper, can be found on the USFWS website at: <a href="https://www.fws.gov/cbra">https://www.fws.gov/cbra</a>.</p>			
<p><small>This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA-MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415</small></p> <div style="text-align: center;">           Luis V. Rodriguez, P.E., Director          Engineering and Modeling Division          Federal Insurance and Mitigation Administration       </div> <div style="text-align: right;">eLOMA</div>			



## Federal Emergency Management Agency

Washington, D.C. 20472

### **ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT**

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures. Additional information on the PRP and how a property owner can qualify for this type of policy may be obtained by calling the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

FEMA has established "Grandfather" rules to benefit flood insurance policyholders who have maintained continuous coverage. Property owners may wish to note also that, if they live outside but on the fringe of the SFHA shown on an effective NFIP map and the map is revised to expand the SFHA to include their structure(s), their flood insurance policy rates will not increase as long as the coverage for the affected structure(s) has been continuous. Property owners would continue to receive the lower insurance policy rates.

LOMAs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If a State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to amend an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

When a restudy is undertaken, or when a sufficient number of revisions or amendments occur on particular map panels, FEMA initiates the printing and distribution process for the affected panels. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. In such cases, FEMA attempts to reflect the results of the LOMA on the new map panel. If the results of particular LOMAs cannot be reflected on the new map panel because of scale limitations, FEMA notifies the community in writing and revalidates the LOMAs in that letter. LOMAs revalidated in this way usually will become effective 1 day after the effective date of the revised map.